

P02973US1(220-Streamlight)

PATENT APPLICATION
Serial No. 10/667,745**REMARKS**

Claims 1-73 are pending in the captioned Application in which claims 1, 2, 4-7, 9-12, 14, 16-22, 24-29, 31-33, 47-49, 54-55, 57-59 and 63 are rejected, claims 3, 35-46, 56 and 64-73 are withdrawn by the Examiner, and objected-to claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62 would be allowable if rewritten in independent form.

Claim 2 is amended to remove an unnecessary word to improve grammar without changing the scope or breadth thereof. This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Reconsideration of Election of Species Requirement:

Applicant hereby requests reconsideration of the Election of Species only for the examination of the claims reading on Species 3 and 4 in the present Application. Applicant has not and does not traverse the requirement as to non-elected Species 1 and 2.

In this case, claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62 read on both Species 3 and 4 in the bore of a metal member and so are generic. These generic claims are allowable because objected to claims 8, 13, 15, 23, 30, 34, 50 and 60 have been rewritten in independent form. Therefor, there are allowable generic claims reading on both Species 3 and 4, and so all of pending claims 1-73 should be examined.

In addition, because there are many other claims that are generic, it is likely that at least one of those generic claims will also be allowed, in which case all of claims 1-73 will have to be examined. Specifically, at least claims 1-2, 4-7, 9-12, 14-20, 22-27, 31, 47-49, 54-55, 57-59 and 63 read on Specie 3 of Figures 7-9 and on Specie 4 of Figures 10-11 and so are generic. Thus, "search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it contains claims to independent and distinct inventions." MPEP §803 (emphasis added).

"It still remains important ... that no requirements be made which might result in the issuance of two patents to the same invention." MPEP §803.01.

Applicant hereby requests reconsideration of the arguments set forth in the Response

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filed May 10, 2005.

Withdrawal of the election requirement is proper as to the Species 3 and 4 of Figures 7-9 and Figures 10-11, respectively, and such action is solicited.

Objections:

The specification is objected to because of typographical informalities at page 8, page 17 and page 20. The objection is overcome by amending the specification at page 8, to correct a typographical error, at pages 17-18 by adding a clarification similar to that in the description at page 19, lines 12-19, and at pages 19-20 by correcting a typographical error in the number of device 130. The Examiner is thanked for pointing out these informalities.

Claims 7, 12, 20, and 25 are objected to because the term "a second end" should be ~~the second end~~ and all are amended to correct that informality.

Claim 48 is objected to because a word is omitted therefrom. The omission, which is due to a word processing error, is corrected by the addition of ~~includes~~.

Claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62 are objected to as depending from a rejected base claim. The objection is overcome by rewriting claims 8, 13, 15, 23, 30, 34, 50 and 60 in independent form. Claims 51-53 and 61-62 are allowable because they depend from one of rewritten claims 50 and 60.

This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Accordingly, the objections are overcome and should be withdrawn.

Rejection Under 35 U.S.C. §102(b):

Claims 1, 2, 4-6, 9-11, 14, 16-19, 21, 22, 24, 26-28 and 31-32 are rejected under 35 U.S.C. §102(b) as being anticipated by US 4,547,837 to Bennett.

The rejection is respectfully traversed.

Bennett relates to a tracer light encased in a cylinder fitted into the hollow bore of an archer's nock of an arrow. Specifically, and referring to Figure 3, metal sleeve [4], which contacts a lead of LED [2], moves axially with rotation of insulating screw [3] thereby to

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make and break contact axially with metal cylinder [5] due to rotation of insulating screw [3] so that it advances or retracts axially.

Examiner alleges that the electrically conductive sleeve [4] of Bennett bears against the dielectric body [3] and the electrical lead for "providing an electrical contact of the second electrical lead with the second electrical lead between the resilient member and the dielectric body for urging the annular member away from the dielectric body (figure 3)."

The Examiner is believed incorrect for the following reasons:

Firstly, contact between the second electrical lead and the second electrical lead is meaningless.

Secondly, sleeve [4] is not described as being resilient or as being urged away from the dielectric body [3], nor are such features suggested by the reference. Only Applicants' disclosure suggests these features.

Thirdly, it is not seen that there would be any purpose in the arrangement of Bennett for the lead of LED [2] "urging the annular member [sleeve 4] away from the dielectric body" as the Examiner asserts, and it is submitted that such arrangement could create a non-uniformity on the exterior of the nock that could adversely affect the flight of the arrow.

In addition, nothing in Bennett is seen as describing "providing an electrical connection between the second electrical lead and a bore" the Examiner asserts, because there is no metal member and there is no bore in Bennett. Moreover, nothing in Bennett is seen as describing the "dielectric body disposed in the bore with the electrically conductive sleeve around the exterior surface of the dielectric body and having an interior surface in electrical contact with the second electrical lead" as the Examiner asserts.

Because Bennett lacks one or more elements recited in ones of Applicant's claims, Bennett cannot anticipate those claims.

In particular, the light source assembly of Applicants' claim 1 is patentable at least because it recites:

"a dielectric body having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and

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having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and
“a resilient member bearing against said dielectric body and the second electrical lead for providing an electrical contact of the second electrical lead,”

which is not described or suggested by Bennett.

Further, the light source assembly of Applicants' claim 9 is patentable at least because it recites:

“a dielectric body having an exterior surface defining first and second ends thereof;
“a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and
“an electrically-conductive resilient member bearing against said dielectric body and the second electrical lead, wherein said electrically-conductive resilient member is between said dielectric body and the second lead or wherein the second electrical lead is between the electrically-conductive resilient member and said dielectric body, for providing an electrical contact for the second electrical lead,”

which is not described or suggested by Bennett.

The light source assembly of Applicants' claim 14 is patentable for the same reason that the Examiner has indicated claims 8, 13, 30, 34, 50 and 60 are directed to allowable subject matter relating to the light source disposed in the bore of a metal member.

Specifically, claim 14 is patentable at least because it recites:

“a metal member having a bore; and a hole at an end thereof;
“a dielectric body in the bore and having an exterior surface defining first and second ends thereof;
“a light source mounted proximate the first end of said dielectric body in the bore and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric

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body; and

"a resilient member bearing against said dielectric body and the second electrical lead for providing an electrical connection between the second electrical lead and the bore of said metal member,"

which is not described or suggested by Bennett.

The light source assembly of Applicants' claim 22 is patentable for the same reason that the Examiner has indicated claims 8, 13, 30, 34, 50 and 60 are directed to allowable subject matter relating to the light source disposed in the bore of a metal member.

Specifically, claim 22 is patentable at least because it recites:

"a metal member having a bore; and a hole at an end thereof;

"a dielectric body in the bore and having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and

"an electrically-conductive resilient member bearing against said dielectric body and the second electrical lead, wherein said electrically-conductive resilient member is between said dielectric body and the second lead or wherein the second electrical lead is between the electrically-conductive resilient member and said dielectric body, for providing an electrical connection between the second electrical lead and the bore of said metal member,"

which is not described or suggested by Bennett.

Further, the light source assembly of Applicants' claim 27 is patentable at least because it recites:

"a dielectric body having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and

"an electrically-conductive annular member bearing on said dielectric body and the second electrical lead for providing an electrical contact at the exterior surface

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of said dielectric body,”
which is not described or suggested by Bennett.

Finally, the light source assembly of Applicants' claim 31 is patentable at least because it recites:

“a dielectric body having a longitudinal slot on a periphery thereof;
“a light source mounted proximate an end of said dielectric body and having first and second electrical leads extending toward said dielectric body, said first electrical lead being disposed in said dielectric body for providing an electrical lead at an end thereof distal said light source and said second electrical lead being disposed in the longitudinal slot thereof for providing an electrical lead at the periphery of said dielectric body; and
“an electrically-conductive annular member bearing on said dielectric body and the second electrical lead for providing an electrical contact at the exterior surface of said dielectric body,”

which is not described or suggested by Bennett.

Applicant's claims 2, 4-6, 10-11, 16-19, 21, 24, 26, 28 and 32 are patentable at least because they depend from one of patentable claims 1, 9, 14, 22, 27 and 31. In addition, claims 2 and 10 recite the resilient member may be between the dielectric body and the second electrical lead, which is not described by Bennett.

Claims 1, 2, 4-6, 9-11, 14, 16-19, 21, 22, 24, 26-28 and 31-32 are rejected under 35 U.S.C. §102(b) as being anticipated by US to Huang.

The rejection is respectfully traversed.

Huang relates to a two-part flashlight controlled by rotation in which (in Figure 7 to which the Examiner refers) an LED 510 has leads passing through a lamp base 50, 500 with the LED 510 projecting into a light converging cover 401 that appears to be shaped as a reflector. A cylindrical metal pipe 400 is slipped in the inner wall of end cover 300 to position light converging cover 401 for enlarging the light reflecting capability of LED 501. (Column 3, lines 62-66; column 4, lines 59-62). Cylindrical metal pipe 400 appears to have a recess on the inner wall thereof into which a projection from lamp base 50, 500 projects, apparently for positioning metal pipe 50, 500 with respect to lamp base 400

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On the other hand, the light source assembly of Applicants' claim 1 is patentable at least because it recites:

"a dielectric body having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and

"a resilient member bearing against said dielectric body and the second electrical lead for providing an electrical contact of the second electrical lead,"

which is not described or suggested by Huang.

Further, the light source assembly of Applicants' claim 9 is patentable at least because it recites:

"a dielectric body having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and

"an electrically-conductive resilient member bearing against said dielectric body and the second electrical lead, wherein said electrically-conductive resilient member is between said dielectric body and the second lead or wherein the second electrical lead is between the electrically-conductive resilient member and said dielectric body, for providing an electrical contact for the second electrical lead,"

which is not described or suggested by Huang.

The light source assembly of Applicants' claim 14 is patentable for the same reason that the Examiner has indicated claims 8, 13, 30, 34, 50 and 60 are directed to allowable subject matter relating to the light source disposed in the bore of a metal member.

Specifically, claim 14 is patentable at least because it recites:

"a metal member having a bore; and a hole at an end thereof;

"a dielectric body in the bore and having an exterior surface defining first and second ends thereof;

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"a light source mounted proximate the first end of said dielectric body in the bore and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and

"a resilient member bearing against said dielectric body and the second electrical lead for providing an electrical connection between the second electrical lead and the bore of said metal member,"

which is not described or suggested by Huang.

The light source assembly of Applicants' claim 22 is patentable for the same reason that the Examiner has indicated claims 8, 13, 30, 34, 50 and 60 are directed to allowable subject matter relating to the light source disposed in the bore of a metal member. Specifically, claim 22 is patentable at least because it recites:

"a metal member having a bore; and a hole at an end thereof;

"a dielectric body in the bore and having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source, and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and

"an electrically-conductive resilient member bearing against said dielectric body and the second electrical lead, wherein said electrically-conductive resilient member is between said dielectric body and the second lead or wherein the second electrical lead is between the electrically-conductive resilient member and said dielectric body, for providing an electrical connection between the second electrical lead and the bore of said metal member,"

which is not described or suggested by Huang.

Further, the light source assembly of Applicants' claim 27 is patentable at least because it recites:

"a dielectric body having an exterior surface defining first and second ends thereof;

"a light source mounted proximate the first end of said dielectric body and having first and second electrical leads extending from an end thereof proximate said

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dielectric body, said first electrical lead extending into said dielectric body for providing an electrical lead at the second end thereof distal said light source and said second electrical lead being disposed proximate the exterior surface of said dielectric body for providing an electrical lead at the exterior surface of said dielectric body; and
“an electrically-conductive annular member bearing on said dielectric body and the second electrical lead for providing an electrical contact at the exterior surface of said dielectric body,”

which is not described or suggested by Huang.

Finally, the light source assembly of Applicants' claim 31 is patentable at least because it recites:

“a dielectric body having a longitudinal slot on a periphery thereof;
“a light source mounted proximate an end of said dielectric body and having first and second electrical leads extending toward said dielectric body, said first electrical lead being disposed in said dielectric body for providing an electrical lead at an end thereof distal said light source and said second electrical lead being disposed in the longitudinal slot thereof for providing an electrical lead at the periphery of said dielectric body; and
“an electrically-conductive annular member bearing on said dielectric body and the second electrical lead for providing an electrical contact at the exterior surface of said dielectric body,”

which is not described or suggested by Huang.

Applicant's claims 2, 4-6, 10-11, 16-19, 21, 24, 26, 28 and 32 are patentable at least because they depend from one of patentable claims 1, 9, 14, 22, 27 and 31. In addition, claims 2 and 10 recite the resilient member may be between the dielectric body and the second electrical lead, which is not described by Huang..

Accordingly, the rejections under 35 U.S.C. §102(b) are overcome and should be withdrawn.

Rejections Under 35 U.S.C. §103(a):

Claims 7, 12, 20 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Huang in view of US 5,131,775 to Chen. The rejection is traversed.

Huang is discussed above and Chen relates to a retractable pen with an illumination

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means wherein an LED 4 has a retractable pen writing point passing therethrough and also has a resistor 51 in the pen lower barrel 1 standing away from conductor element 3. Nothing in Chen describes or suggests a current limiting device disposed in a dielectric body that is also lacking in Huang, and so Chen and Huang, whether taken individually or in combination, describe or suggest what Applicant claims.

Moreover, Huang and Chen are directed to different and unrelated things – Huang to a two-part flashlight and Chen to a retractable pen. Nothing in either Huang or Chen provides any motivation or suggestion for their combination, and so the combination is improper under the law because neither reference suggests its combination with the other. Absent some statement or suggestion within the references themselves that they should be combined, there is no nexus which could substantiate the suggested combination.

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so."

ACS Hospital Systems, Inc. vs. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

Applicant's claims 7, 12, 20 and 25 are patentable at least because they depend from one of patentable claims 1, 9, 14 and 22.

In addition, claims 7, 12, 20 and 25 recite a current limiting device disposed in a dielectric body and that a second lead thereof provides the second electrical lead at the second end of the dielectric body, none of which are described or suggested by Huang and/or Chen, whether taken individually or in proper combination.

Claims 29 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bennett and Huang. The rejection is traversed.

Bennett and Huang are discussed above.

Bennett and Huang are directed to different and unrelated things – Bennett to a tracer in an archer's nock and Huang to a two-part flashlight. Nothing in either Bennett or Huang provides any motivation or suggestion for their combination, and so the combination is

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improper under the law because neither reference suggests its combination with the other. Absent some statement or suggestion within the references themselves that they should be combined, there is no nexus which could substantiate the suggested combination.

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so."

ACS Hospital Systems, Inc. vs. Montefiore Hospital, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

Applicant's claims 29 and 33 are patentable at least because they depend from one of patentable claims 27 and 31.

In addition, claims 29 and 31 recite various non-metallic materials that are filled with electrically conductive particles, none of which are described or suggested by Bennett and/or Huang, whether taken individually or in proper combination.

Claims 47-49, 54, 55, 57-59 and 63 are rejected under 35 U.S.C. §103(a) as being unpatentable over Huang in view of Chen. The rejection is traversed.

Huang and Chen are discussed above, and their combination is legally improper as discussed above.

Moreover, even if Huang and Chen could properly be combined, the combination continues to lack the unobvious features of Applicants' claims that are lacking in each reference individually, i.e. the combination is not Applicants' claimed invention.

Moreover, neither Huang or Chen taken individually or properly combined describes or suggests a means exhibiting resistance for extending the lead of the light source through the cylindrical body as recited in Applicant's claims 47 and 57.

The light source assembly of Applicants' claim 47 is patentable at least because it recites:

"a cylindrical body of a dielectric material having a longitudinal slot on an exterior surface thereof, the exterior surface defining a periphery;
"a solid state light source mounted coaxially proximate an end of said

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cylindrical body and having first and second electrical leads extending from an end thereof proximate said cylindrical body, said first electrical lead extending into said cylindrical body and said second electrical lead being disposed in the longitudinal slot thereof;

“an electrically-conductive annular member disposed around the exterior surface of said cylindrical body for providing an electrical contact for the second lead of said solid state light source at the periphery of said cylindrical body; and

“means exhibiting resistance for extending the first electrical lead of said solid state light source through said cylindrical body at an end thereof distal said solid state light source,”

which is not described or suggested by Huang and/or Chen, whether taken individually or properly combined.

Finally, the light source assembly of Applicants' claim 57 is patentable at least because it recites:

“a cylindrical body of a dielectric material having a longitudinal slot on an exterior surface thereof, the exterior surface defining a periphery;

“an LED solid state light source mounted coaxially proximate an end of said cylindrical body and having first and second electrical leads extending from an end thereof proximate said cylindrical body, said first electrical lead extending into said cylindrical body and said second electrical lead being disposed in the longitudinal slot thereof;

“an electrically-conductive annular metal member disposed around the exterior surface of said cylindrical body for making electrical connection to the second lead of said LED solid state light source and providing an electrical contact at the periphery of said cylindrical body; and

“means exhibiting resistance for extending the first electrical lead of said LED solid state light source through said cylindrical body at an end thereof distal said solid state light source,”

which is not described or suggested by Huang and/or Chen, whether taken individually or properly combined.

Applicant's claims 48-49, 54, 55, 58-59 and 63 are patentable at least because they depend from one of patentable claims 47 and 57.

Accordingly, the rejections under 35 U.S.C. §103(a) are overcome and should be withdrawn.

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The objection to claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62 which are stated as being directed to allowable subject matter is overcome by rewriting claims 8, 13, 15, 23, 30, 34, 50 and 60 to be in independent form.

Withdrawal of the objection is in order and allowance of claims 8, 13, 15, 23, 30, 34, 50-53 and 60-62 is solicited.

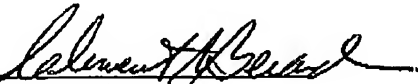
Conclusion:

Applicant respectfully requests that the objections and rejections be withdrawn, and that the Application including claims 1-73 be allowed and passed to issuance.

Please charge the \$800.00 fee for increasing the number of independent claims by eight, without increasing the total number of claims above the number previously paid for, in this timely filed response to Deposit Account 04-1406 of Dann, Dorfman, Herrell & Skillman. However, should the fee calculation be incorrect or should any other or additional fee be due in consequence of this response, please charge such fee and deposit any refund to Deposit Account 04-1406 of Dann, Dorfman, Herrell & Skillman.

The Examiner is requested to telephone the undersigned attorney if there is any question or if prosecution of this Application could be furthered by telephone.

Respectfully submitted,
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